

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

KASTL EXPRESS LLC,

For Compliance with WAC 480-15-555,
WAC 480-15-560, and WAC 480-15-570.

DOCKET TV-210939

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME
FOR ORAL STATEMENTS
**(Set for January 19, 2022,
at 9:30 a.m.)**

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) regulates the safe operation of motor freight carriers, including household goods carriers.
- 2 Kastl Express LLC (Kastl or Company) engages in business as a household goods carrier under Commission-issued provisional permit number THG-068958.
- 3 Between October and November 2021, the Commission's staff (Staff) reviewed Kastl's compliance with the requirements of Washington Administrative Code (WAC) 480-15-555, WAC 480-15-560, and WAC 480-15-570. WAC 480-15-560 and WAC 480-15-570 adopt, among other provisions, Title 49 of the Code of Federal Regulations (C.F.R.) Parts 391, 392, 395, and 396.
- 4 In November 2021, Staff completed an investigation of Kastl's compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 19 critical or critical-type violations of WAC 480-15-555, WAC 480-15-560, and WAC 480-15-570 and the federal regulations incorporated by those provisions, as well as 10 other violations of those regulations. Staff's investigation produced a conditional safety rating for Kastl, and Staff notified the Company of this proposed rating on November 30, 2021.
- 5 A carrier may request a change in its safety rating based on evidence that it has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard specified in 49 C.F.R. § 385.5 and § 385.7.
- 6 The Commission will grant permanent operating authority to a carrier that successfully completes its provisional period. Successful completion requires, among other things, that the carrier receives a satisfactory safety rating based on a review conducted by Staff.¹ If a carrier fails to receive a satisfactory safety rating within 18 months of obtaining its provisional permit, the Commission will cancel the carrier's provisional permit and dismiss

¹ WAC 480-15-305(1)(e).

the company's application for permanent authority unless the Commission finds good cause to extend the provisional period.²

7 Under the circumstances presented in this case, the Commission determines that it will afford Kastl the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that it has taken corrective action to address the identified violations. Kastl must come into compliance with applicable laws by obtaining a Commission approval of a safety management plan no later than January 28, 2022. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective January 31, 2022. Thereafter, as an unregistered company, Kastl would be prohibited from providing household goods carrier services in the state of Washington.

8 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Kastl to provide services as a household goods carrier effective January 31, 2022, for cause, following a hearing on the factual allegations set out above, unless Kastl obtains Commission approval of a safety management plan prior to that date.**

9 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Kastl's household goods carrier permit.

10 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 9:30 a.m., January 19, 2022. To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID: 990 1446 0030# and Passcode: 507068#. To attend via Zoom, please use the following link: [Click to Join Meeting](#).**

11 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

12 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

13 **Kastl must submit its proposed safety management plan no later than 5 p.m. on January 5, 2022.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and

² WAC 480-15-305(3).

describing any such documents **no later than 5 p.m. on January 12, 2022**, and provide any such documents to Staff counsel and the presiding officer by email **by 5 p.m. on January 17, 2022**.

14 THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.

15 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Jeff Roberson
Assistant Attorney General
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1188
jeff.roberson@utc.wa.gov

Respondent: Kastl Express LLC
Max Kastl
Owner
314 Jadwin Ave.
Richland, WA 99302
kastlexpress@gmail.com

16 Administrative Law Judge Andrew J. O’Connell from the Commission’s Administrative Law Division, will preside during this proceeding.³

DATED at Lacey, Washington and effective December 16, 2021.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

Amanda Maxwell
Executive Director and Secretary

³ Judge O’Connell can be reached by email at andrew.j.oconnell@utc.wa.gov or by phone at (360) 664-1285.

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Paige Doyle, paralegal, at paige.doyle@utc.wa.gov:

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____